

TWENTY-EIGHTH DAY
(Monday, March 2, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Traeger, Travis, Truan, Vale, Williams, Wilson.

Absent-excused: Brown, Snelson.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

We are grateful that it doesn't take a wire-tap law for You to find out what we're up to. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 26, 1981, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Brown was granted leave of absence for today on account of important State business on motion of Senator Howard.

Senator Snelson was granted leave of absence for today on account of official state business on motion of Senator Santiesteban.

CO-AUTHOR OF SENATE BILL 767

On motion of Senator Farabee and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 767.

SENATOR-ELECT URIBE ADMINISTERED OATH OF OFFICE

The President announced the time had arrived to administer the Oath of Office to Senator-elect Hector Uribe and appointed the following Senators to escort Mr. Uribe to the President's Rostrum: Senators Truan, Vale, Santiesteban, McKnight, Brooks and Jones.

THE STATE OF TEXAS
SECRETARY OF STATE

I, H. DAVID HERNDON, Assistant Secretary of State of the State of Texas, DO HEREBY CERTIFY that the attached is a true and correct copy of the Canvass of Returns for the Second Special Election for State Senator, District 27 (Unexpired Term) Brooks, Cameron, Hidalgo, and Jim Wells Counties, held on February 24, 1981, as on file in this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this 2nd day of March, A.D. 1981.

/s/H. David Herndon
Assistant Secretary of State

THE STATE OF TEXAS

**CANVASS OF RETURNS FOR THE SECOND SPECIAL ELECTION FOR
STATE SENATOR, DISTRICT 27 (UNEXPIRED TERM)
BROOKS, CAMERON, HIDALGO, AND JIM WELLS COUNTIES**

HELD ON FEBRUARY 24, 1981

WE, H. DAVID HERNDON, Assistant Secretary of State, acting pursuant to Article 4340, Vernon's Texas Civil Statutes, and ROBERT A. ROWLAND, being duly appointed by the Governor in accordance with Article 8.38, Vernon's Texas Election Code, HEREBY CERTIFY that the State Board of Canvassers, acting pursuant to Article 4.12, Vernon's Texas Election Code, on the 27th day of February, 1981, did open, count and tabulate the returns of the second special election for State Senator, District 27, in Brooks, Cameron, Hidalgo, and Jim Wells Counties, Texas, to fill the unexpired term of the Honorable Raul L. Longoria. The aforesaid election was held on February 24, 1981, and the Judges of the above-named counties reported the votes cast on that date to the Secretary of State.

WE FURTHER CERTIFY that the following is a true and correct statement of the votes cast for the candidates whose names appear below, as they appeared on the official election returns made to, and now on file with, the Secretary of State.

RICARDO HINOJOSA	received	22,453 votes
HECTOR URIBE	received	35,522 votes

IN TESTIMONY WHEREOF, we have hereunto affixed our signatures and caused to be impressed hereon the Great Seal of the State of Texas, at Austin, on this the 27th day of February, A.D. 1981.

/s/H. David Herndon
ASSISTANT SECRETARY OF STATE

/s/Robert A. Rowland
MEMBER, STATE BOARD OF CANVASSERS

The Oath of Office was administered to Mr. Uribe by The Honorable Joe R. Greenhill, Chief Justice of the Supreme Court.

The President then presented Senator Uribe to the Members of the Senate.

Senator Uribe then addressed the Senate:

“Good morning, Lt. Governor Hobby, Chief Justice Greenhill, Members of the Senate, it’s an honor for me to become a Member of the Texas Senate, and it’s a somewhat unique honor in Texas history. A quick review of the record shows that the last time a Senator took office during a Regular Session of the Legislature was during the 50th Legislature in 1947 when Mrs. Lacy Stewart succeeded her husband in the office of State Senate.

However, the recognition that goes with this occasion is not mine alone to enjoy. There are many people who contributed to the election of the Senator from the 27th Senatorial District, and who deserve much of the recognition and acclaim.

Many of the people are seated here on the Senate Floor. In particular, Lt. Governor Hobby, Members of the Senate, and Members of the House who lent their support, in many cases actively campaigned on my behalf.

I appreciate your support, and I hope to visit with each of you personally to express my thanks. Others whom I’d like to thank and recognize are seated in the gallery. They are friends from South Texas, and Austin, who have come here today to share this occasion with me.

I’d like to recognize a lot of people who have contributed so much to my campaign, but the people who deserve the greatest recognition and thanks are not here today. They are the people of District 27, the business men and women, the teachers, the workers and the students who elected me into this office. These are the people who talked to their neighbors and friends, and knocked on doors and distributed literature and who cast their votes last Tuesday.

These are the people who deserve the greatest attention and recognition. They are the people I represent as State Senator.

The people of District 27 are the ones who elected me to this office, and while I may not be able to thank them individually, I will thank them by serving to the best of my ability, by representing their interests here in Austin, and by working for them to the fullest extent my office allows.

Now, I have promised Senator Meier and Senator Doggett that I will not try to set any filibuster records on my first speech as a Senator, so I’ll conclude my remarks by giving my special thanks to those who stood by me during those months, long, long months of campaigning, those people who sacrificed most of their personal lives to the campaign.

I want to note special thanks and recognition to my family. First my parents, Mr. and Mrs. Blas Uribe, and last and most importantly, my wife Karen and my children.

Thank you all. I’ll ask my parents and my wife and children to stand up, and my brother, Blas.

I’d like to ask them to come up. I’d like to ask them to come on up...Mom, Dad, Karen, kids, come on up here.

Blas, come on up.

Now that everybody is up here, I want to thank all of you for sharing this occasion with me today. I sincerely look forward to working with all of you in the months ahead.

Thank you very much.”

GUESTS PRESENTED

The President escorted Senator Uribe's family to the President's Rostrum and they were greeted as guests for today.

(President in Chair)

On motion of Senator Truan and by unanimous consent, the remarks of Senator Uribe were ordered reduced to writing and entered in the Journal.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 746 by Truan Natural Resources
Relating to changing the name of Nueces County Navigation District No. 1 and its governing board and governing board members.

S.B. 760 by Truan Natural Resources
Relating to the authority of Nueces County Navigation District No. 1 to acquire and sell land and facilities.

S.B. 761 by Mengden Intergovernmental Relations
Relating to compensation of county peace officers who work overtime.

S.B. 762 by Leedom Natural Resources
Relating to the regulation of doves, pigeons, and shorebirds.

S.B. 763 by Brooks Human Resources
Relating to the amount of payments that may be made by the Texas Youth Council to a county under certain contracts.

S.B. 764 by Travis Education
Relating to contracts for junior college services between certain junior college districts and certain school districts.

S.B. 765 by Jones Finance
Relating to revising various provisions of law governing the property tax and its administration.

S.B. 766 by Ogg Human Resources
Providing for the incorporation, regulation, administration, and dissolution of not for profit health facilities development corporations by cities, counties, and hospital districts for the public purpose of promoting and developing new, expanded, and improved health care and health care related facilities necessary for health care, research, and education; adopting general statutory provisions applicable to such corporations; authorizing such corporations to provide or cause to be provided certain properties, to enter into leases or other contracts with respect to such properties with institutions organized for profit or not for profit, and to make loans for the promotion and development of health care and health care related enterprises, and otherwise providing for powers, duties, authorizations, and responsibilities of such corporations and their directors and officers; authorizing cities, counties, and hospital districts to create and utilize such corporations to issue obligations on their behalf to acquire, construct, improve, finance, and refinance such health facilities; authorizing such

corporations to issue revenue bonds, notes, or other evidence of indebtedness in order to carry out certain specified public purposes; requiring the filing of certain information by such corporations with the sponsoring city, county, or hospital

district prior to the issuance of revenue bonds, notes, or other evidence of indebtedness; providing procedures to be followed in making certain findings with respect to the need for such facilities; describing the terms of such bonds or notes, including the maximum rate of interest which may be borne thereby, and partially amending Article 717k-2, Vernon's Texas Civil Statutes, as amended, as it relates to such bonds and notes; providing permissible security for such bonds or notes; providing that such bonds or notes shall be legal investments eligible to secure public deposits; providing for the perfection of security interests granted by such corporations; providing exemption from taxation for such corporations and their bonds or notes and income related thereto and providing for the taxation of such health facilities to the users thereof; providing that such bonds or notes are exempt from, but any agreement by a user of such health facilities to pay amounts equal to principal of and interest on such bonds or notes is, unless otherwise exempt, subject to, The Securities Act, as amended; authorizing any sponsoring city, county, or hospital district to alter the structure, organization, programs, or activities of such corporations; containing other provisions relating to the subject; providing for severability; and declaring an emergency.

S.B. 767 by Farabee, Doggett, Caperton

State Affairs

Relating to the platting and replatting and recording of real estate subdivisions; amending Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as amended, by amending Section 5 (Section 5 of Article 974a, Vernon's Texas Civil Statutes, as amended); providing for applicability to all subdivision plats (or replats); providing for validation of all prior approved subdivisions and resubdivisions; providing a severability clause; and declaring an emergency.

S.B. 768 by Snelson

Economic Development

Relating to the registration and regulation of landscape architects; amending Section 5 (a), Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 249c Vernon's Civil Statutes.)

S.B. 769 by Snelson

Economic Development

Relating to the registration and regulation of architects; amending Section 4(c) and Section 6(b), Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), and declaring an emergency.

S.B. 770 by Parker

Jurisprudence

Relating to child passenger restraint systems; providing a penalty.

S.B. 771 by Kothmann

Natural Resources

Relating to the conveyance by the Parks and Wildlife Department of certain real property to the United States of America.

S.B. 772 by Andujar

State Affairs

Relating to applications for a ballot to be voted absentee and providing for penalties.

S.B. 773 by Andujar Jurisprudence
Relating to repeal of certain sections of the Family Code of Texas with respect to medical examinations of applicants for marriage licenses.

S.B. 774 by Ogg, Richards Jurisprudence
Relating to the authority of security personnel employed by certain private, nonprofit medical corporations in certain cities.

S.B. 775 by Ogg, Brooks, Farabee Jurisprudence
Relating to liability for damages resulting from a person eating certain donated food.

S.B. 776 by Ogg State Affairs
Relating to the dates for holding certain elections.

S.B. 777 by Ogg State Affairs
Relating to the authority of a court hearing a contest of a primary election to declare the election void.

S.B. 778 by Ogg Natural Resources
Relating to state loans to finance the purchase, installation, or repair of solar energy devices for use in residences or to finance the purchase of residences having solar energy devices.

S.B. 779 by Vale Jurisprudence
Relating to requiring certain products to contain additives to discourage the intentional inhalation of toxic fumes or vapors; giving the Texas Department of Health certain duties regarding the products; providing a penalty; and declaring an emergency.

S.B. 780 by Vale Jurisprudence
Relating to establishing a criminal offense for the sale, transfer, or display of certain glues or aerosol paints to certain minors; and providing a penalty.

S.B. 781 by Sarpalius Natural Resources
Relating to public weighers; providing penalties.

S.B. 782 by Brooks Natural Resources
Relating to investment in bonds and notes of, addition of land to, and validation of certain actions of water control and improvement districts.

S.B. 783 by Mauzy Jurisprudence
Relating to the admissibility of an oral statement made by an accused in a criminal case.

S.C.R. 53 by Sarpalius State Affairs
Memorializing Congress to not adopt the split-basing mode for the deployment of the M-X missile system.

S.C.R. 54 by McKnight State Affairs
Designating the State Highway Building as the Dewitt C. Greer State Highway Building.

HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House were read the first time and referred to the Committee indicated:

H.B. 603, To Committee on Education.

H.C.R. 74, To Committee on Natural Resources.

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 151 (Signed subject to Sec. 49a,
Article III, Constitution of
State of Texas)

S.B. 136

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
February 26, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE HIGHWAY AND PUBLIC
TRANSPORTATION COMMISSION:

For a six-year term to expire February 15, 1985:

ROBERT H. DEDMAN of Dallas, Dallas County, will be filling the unexpired term of Ray Anderson Barnhart of Pasadena, Harris County, who resigned in order to accept appointment as Administrator of the Federal Highway Administration.

For a term of four years upon qualifying for such office:

TO BE PRESIDING JUDGE OF THE THIRD ADMINISTRATIVE
JUDICIAL DISTRICT:

JUDGE HERMAN JONES of Austin, Travis County, is being reappointed.

TO BE PRESIDING JUDGE OF THE FOURTH ADMINISTRATIVE
JUDICIAL DISTRICT:

JUDGE JOE E. KELLY of Victoria, Victoria County, is replacing Judge Peter M. Curry of San Antonio, Bexar County, whose term expired.

TO BE PRESIDING JUDGE OF THE SEVENTH ADMINISTRATIVE
JUDICIAL DISTRICT:

JUDGE RAY L. McKIM of Odessa, Ector County, is replacing Judge Perry D. Pickett of Midland, Midland County, whose term expired.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 540 (Amended)
S.B. 383

SENATE BILL 318 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 318, Relating to underground water rights of the Green Belt Municipal and Industrial Water Authority.

The bill was read second time and was passed to engrossment.

SENATE BILL 318 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 318** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 198 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 198, Amending Chapter 642, Acts of the 66th Legislature, Regular Session, 1979 (Article 4447u, Vernon's Texas Civil Statutes); relating to the appropriation of certain fees to the Texas Department of Health for the administration of that Act.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 198 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 198 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 55 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 55, Relating to local government approval of charges established by a metropolitan transit authority board; adding Section 6E to Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 55 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

SENATE BILL 609 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 609, Relating to the refunding of certain bonds and other obligations of cities, towns, and villages.

The bill was read second time and was passed to engrossment.

SENATE BILL 609 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 609 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

SENATE BILL 533 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 533, Relating to the regulation of the sale, lease or transfer of certain business opportunities.

The bill was read second time and was passed to engrossment.

SENATE BILL 533 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 533 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

The bill was read third time and was passed.

SENATE BILL 389 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 389, Relating to the disposition of revenue collected or received by the railroad commission.

The bill was read second time.

Senator Jones offered the following committee amendment to the bill:

Amend Section 8(a) of S.B. 389 by deleting "money" and inserting the following:

“taxes, license fees, permit fees, examination fees and truck registration fees”

The committee amendment was read and was adopted.

Senator Jones offered the following committee amendment to the bill:

Amend Section 8(a) of **S.B. 389** by adding after “(Article 911b, Vernon’s Texas Civil Statutes),” the following:

and by Section 22, Chapter 690, Acts of the 64th Legislature, Regular Session, 1975, as amended (Section 131.231, Natural Resources Code),

The committee amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend Section 7 by striking the sentence beginning on page 3, line 55 of the Senate Printing:

~~The entire amount derived from the tax imposed by Article 6060, as amended, shall be used for the purpose of enforcing the provisions of the preceding Article 6050, et seq., and for the purpose of paying for the administration of the conservation laws of this state relating to the production of gas, which includes condensates and distillates.~~

And substituting therefor:

The entire amount derived from the tax imposed by Article 6060, as amended, shall be deposited to the General Revenue Fund.

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

(President Pro Tempore Traeger in Chair)

SENATE BILL 389 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 389** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

(President in Chair)

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

SENATE BILL 293 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 293, Relating to reading the verdict in a criminal case.

The bill was read second time and was passed to engrossment.

SENATE BILL 293 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 293** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brown, Snelson.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 5 ON SECOND READING

Senator Brooks moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 5** be taken up for consideration at this time:

C.S.S.B. 5, Relating to accessibility standards and specifications in certain buildings and facilities; amending the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), by amending Subsections (a), (c), and (d) of, and adding Subsection (e) to, Section 7.02; and by amending Subsection (e) of Section 7.05.

The motion was lost by the following vote: Yeas 20, Nays 8, Present-not voting 1. (Not receiving four-fifths vote of Members)

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Mauzy, McKnight, Meier, Parker, Richards, Santiesteban, Sarpalius, Truan, Uribe, Vale, Williams.

Nays: Blake, Howard, Leedom, Mengden, Short, Traeger, Travis, Wilson.

Present-not voting: Ogg.

Absent-excused: Brown, Snelson.